CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☑ Discourt.	☐ U.S.
Scott Carlton		Squad #16	201709365	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Tuesday, 11/14/2017 9:01 AM		Tompkins Avenue betv Street and Macon Stree	pkins Avenue between MacDonough t and Macon Street		5/14/2019	5/14/2019
Date/Time CV Reported		CV Reported At: How CV Reported:		Date/Time	Date/Time Received at CCRB	
Tue, 11/14/2017 10:00 AM		CCRB	Phone Tue, 11/14/2017 9:01 AM			
Complainant/Victim	Type	Home Addre	ss			
Witness(es)		Home Addre	SS			
					<u> </u>	
Subject Officer(s)	Shield	TaxID	Command			
1. POM Keith Chatterton	07323	925067	079 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POM Edwin Collado	11625	955829	079 PCT			
Officer(s)	Allegatio	on		Inve	estigator Recon	nmendation
A.POM Keith Chatterton	Discourtesy: Police Officer Keith Chatterton spoke discourteously to \$87(2)(b)					
B.POM Keith Chatterton	Abuse: Police Officer Keith Chatterton threatened to arrest \$87(2)(b)			arrest		
C.POM Keith Chatterton	Abuse: Police Officer Keith Chatterton detained § 87(2)(b)					
§ 87(4-b), § 87(2)(g)						



On November 14, 2017, \$87(2)(b) reported the following complaint to the CCRB by telephone.

On November 14, 2017 at 9:01 p.m., PO Keith Chatterton and PO Edwin Collado responded to a three-vehicle accident on Tompkins Avenue between MacDonough Street and Macon Street in Brooklyn. § 87(2)(b) arrived at the scene before the officers and distributed business cards for a lawyer to the drivers. PO Chatterton immediately approached § 87(2)(6) and velled, "Who the fuck are you? What the fuck are you doing here?" and "Didn't you give her a fucking business card?" (Allegation A: Discourtesy, § 87(2)(9)

PO Chatterton told § 87(2)(6) that he could be arrested four to five times, and at one point said, "I'll arrest your ass" (Allegation A, continued; Allegation B: Abuse of Authority, §87(2)(9) PO Chatterton told to show him his "fucking" ID and stated, "Show me the ID now or I'll arrest your ass right now" (Allegation A, continued). PO Chatterton took \$87(2)(6) s ID from him and ordered him to wait by the "goddamn sidewalk" (Allegation C: Abuse of Authority. After 30 minutes of waiting, § 87(2)(b) approached PO Chatterton to show him his heart monitor and explain that he had health problems. PO Chatterton responded, "Just go sit your ass down" (Allegation A, continued). SS(2)(b) was permitted to leave after 45 minutes. He was not arrested or issued a summons.

§ 87(4-b), § 87(2)(g)

No video evidence of the incident was obtained by the investigation.

Findings and Recommendations

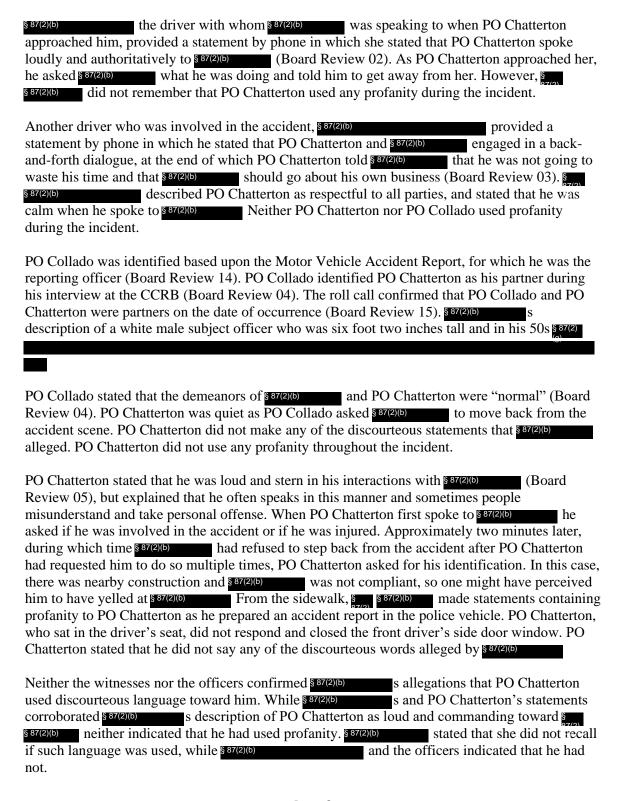
Allegation (A) Discourtesy: PO Keith Chatterton spoke discourteously to \$87(2)(b)

It is in dispute whether PO Chatterton spoke discourteously to \$87(2)(b)

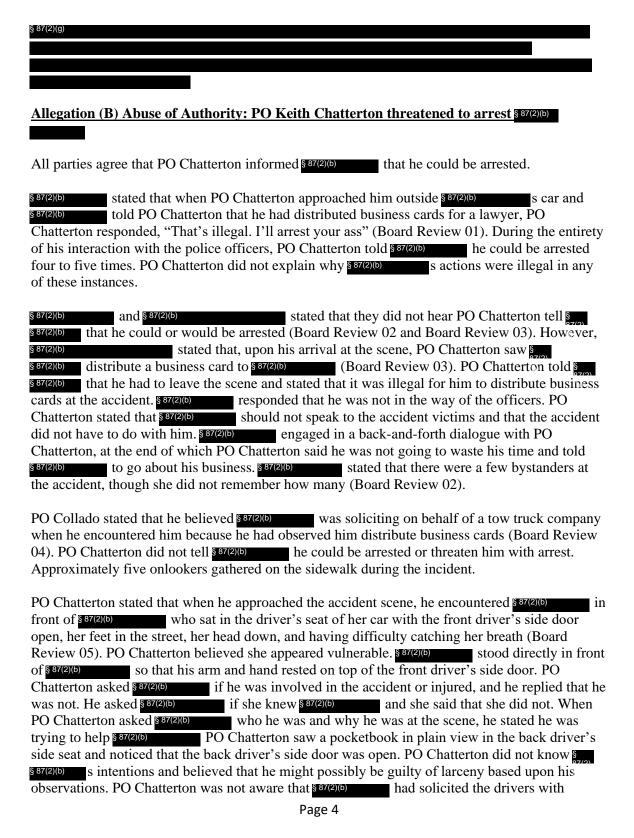
alleged that as soon as PO Chatterton arrived at the accident scene and observed in conversation with one of the drivers, \$87(2)(b) he approached him and yelled, "Who the fuck are you? What the fuck are you doing here?" (Board Review 01) Moments later, he stated, "Didn't you give her a fucking business card?" \$87(2)(b) was taken aback as he had said nothing to PO Chatterton prior to PO Chatterton's statements and had never interacted with him on a previous occasion. PO Chatterton screamed loudly and quickly at him.

\$87(2)(b) began to stutter and felt his breathing become shallow because he thought he might be physically harmed. He tried to remain calm in his demeanor. \$87(2)(b) explained that he had given out cards for his wife's lawyer, to which PO Chatterton responded, "That's illegal. I'll arrest your ass." He demanded \$87(2)(b) s "fucking" ID. As \$87(2)(b) reached in his pocket for his ID, PO Chatterton said, "Show me the ID now or I'll arrest your ass now." \$7(2)(c) complied, but after he had waited on the sidewalk for 30 minutes, he approached PO Chatterton in order to indicate to him that he had health problems. PO Chatterton said, "Just go sit your ass down."

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business cards. PO Chatterton asked savay and stand on the sidewalk. 87(2)
resisted verbally, loudly arguing with PO Chatterton. PO Chatterton did not remember
what said, but knew that he expressed that he did not want to comply. PO
Chatterton did not remember if \$87(2)(b) swore at him. After PO Chatterton had issued \$37(2)
instructions to move away at least three times without cooperation, PO Chatterton told
that he could be arrested. He stated this at least twice. PO Chatterton did not tell \$7(2)(D)
for what he could be arrested specifically, but he believed \$\frac{8.87(2)(b)}{2.000}\$ had exhibited
disorderly conduct when he failed to move away from the scene as PO Chatterton had told him to
do. No crowds formed during PO Chatterton's interaction with \$87(2)(b) did
not draw attention to himself or call out for assistance. As \$87(2)(b) departed at the end of the
incident, PO Chatterton did not say, "Say one more thing and I'll arrest you."

Patrol Guide Procedure 208-01 states that an individual can be arrested without a warrant when an officer has reasonable cause to believe that the offense was committed in their presence (Board Review 06). NY CLS Penal § 195.05 defines behavior in which an individual "intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference" as obstruction of government administration (Board Review 07). NY CLS Penal § 240.20 distinguishes disorderly conduct as behavior that involves an intent by the perpetrator to cause "public inconvenience" (Board Review 08).

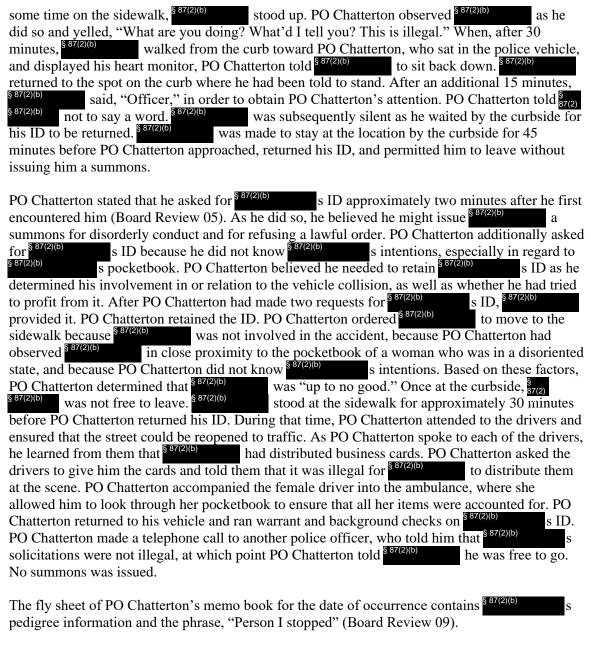


Allegation (C) Abuse of Authority: PO Keith Chatterton detained

was detained at the incident location for at least 30 minutes.

stated that after PO Chatterton told him he would arrest him, he immediately demanded stated that after PO Chatterton told him he would arrest him, he immediately s ID (Board Review 01). After he had obtained the ID, PO Chatterton ordered stated to sit on the sidewalk. When stated to protest, he was interrupted by PO Chatterton who told him to sit on the sidewalk.

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Patrol Guide 212-11 asserts that a stop, defined as a situation in which a reasonable person would not feel free to walk away from an officer, must be justified by an individualized reasonable suspicion that illegal activity has, is, or is about to be committed (Board Review 10). In People v. Robinson, 282 A.D.2d 75 (2001), the courts defined a detention as a stop extended in time, and held that a detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop (Board Review 16).

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In addition to PO Chatterton's assertion that he believed he might issue a summons to \$\frac{\\$}{\$7(2)}\$ PO Chatterton stated that he asked to stand by the curb because he did not know sintentions, and had observed in close proximity to the pocketbook of a woman who was in a disoriented state, which led him to the impression that \$\frac{\\$}{\$7(2)}\$ was "up to no good."

In <u>People v. Young</u>, 202 A.D.2d 957 (1994), the courts asserted that an individual's proximity to the site of a crime or possible crime, insofar as it is "as susceptible to an innocent as to a culpable interpretation," does not provide reasonable suspicion (Board Review 11).



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§ 87(2)(g)
§ 87(2)(g)
§ 87(4-b), § 87(2)(g)
Civilian and Officer CCRB Histories
• This is \$87(2)(b) s third complaint with the CCRB (Board Review 12).
○ §87(2)(b)
PO Chatterton has been a member of the NYPD for 18 years and has had 31 CCRB
allegations against him across 15 previous cases, five of which were substantiated. Of the
26 non-mediated allegations, eight were for discourtesy and five were for threat of arrest. o In CCRB 200508075, an allegation of a retaliatory arrest was substantiatied.
o In CCRB 200508075, an allegation of a retaliatory arrest was substantiatied. Command Discipline was recommended by the CCRB. The NYPD issued
Instruction.
 In CCRB 201106011, an allegation of discourteous language was substantiated.

Command Discipline was recommended by the CCRB. The NYPD issued Command Discipline B.
In CCRB 201410995, an allegation of refusal to provide name and shield number

 In CCRB 201410995, an allegation of refusal to provide name and shield number was substantiated. Command Discipline A was recommended by the CCRB and followed by the NYPD.

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- In CCRB 201507225, an allegation of refusal to provide name and shield number was substantiated. Command Discipline A was recommended by the CCRB and followed by the NYPD.
- In CCRB 201507225, an allegation of discourteous language was substantiated. Formalized training was recommended by the CCRB. Command Discipline A was issued by the NYPD.

Mediation, Civil and Criminal Histories

§ 87(2)(b)	was offered and decl	ined to pursue § 87(2)(b)	
● [§ 87(2)(b)] [§§ 8	6(1)(3)&(4)] [§ 87(2)(c)]		
filed on best series of the filed on the fi	ehalf of \$87(2)(b) by s seeking payment as a rowful detention and arrest	roller's Office confirmed that a Notice structure on \$87(2)(b) on \$87(2)(b) esult of his claim that members of the assault and battery, and negligence was upset (Board Review 17).	NYPD engaged
Squad No.: 16			
Investigator:			
	Signature	Print Title & Name	Date
Squad Leader:			
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date

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